

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Jeffrey Sanok on December 31, 2009.

The application has been amended as follows:

Claim 1, line 8, after the phrase "pre-evacuating the", delete "sterilization chamber, wherein the speed" and insert --sterilization chamber at a speed, wherein the speed--.

REJOINDER OF CLAIMS

2. Claims 1, 3, 7, 15, 18, 23-25, 30, 40 and 46 are allowable. Claims 2, 4, 10, 16, 29, 31, 32, 34, 41, 43, 44, 47, 49 and 50 are previously withdrawn from consideration as a result of a restriction requirement, require all the limitations of an allowable claim.

Pursuant to the procedures set forth in MPEP § 821.04(a), **the restriction requirement between inventions of Group I and Group II, as set forth in the Office action mailed on June 12, 2007, is hereby withdrawn** and claims 2, 4, 10, 16, 29, 31, 32, 34, 41, 43, 44, 47, 49 and 50 are hereby rejoined and fully examined for patentability under 37 CFR 1.104. In view of the withdrawal of the restriction requirement, applicant(s) are advised that if any claim presented in a continuation or divisional application is

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anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once the restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

REASONS FOR ALLOWANCE

3. Claims 1-4, 7, 10, 15, 16, 18, 23-25, 29-32, 34, 40, 41, 43, 44, 46, 47, 49 and 50.
4. The following is an examiner's statement of reasons for allowance:

The closest prior art of record does not teach, suggest or disclose a process for operating a packaging transport system comprising sterilizing said objects and placing the objects packed in layer of gas permeable packaging into a sterilization chamber to sterilize the package by abruptly applying a vapor as a condensate layer to the outside of the packaging as set forth in independent claim 1; wherein the process further comprises pre-evacuating the sterilization chamber at a speed, wherein the speed is adapted to the flow resistance of the gas permeable packaging to ensure a gas pressure within the packaging remains above a pressure in the sterilization chamber during pre-evacuation.

The Applicant discloses that a process for operating a packaging transport system, comprising the steps of: sterilizing objects packed in at least one layer of packaging; placing the sterilized objects packed in at least one layer of the at least one

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layer of packaging into a sterilization chamber in the form of a transfer lock; and transferring the sterilized objects and packaging into a sterile clean room is known as prior art knowledge (paragraphs 4-9 of the specification). The Applicant does not disclose that the sterilization chamber in the form of a transfer lock is an evacuable sterilization chamber, and that the process further comprises pre-evacuating the sterilization chamber; applying abruptly a vapor mix consisting of water steam and hydrogen peroxide steam as a condensate layer onto the outer side of the packaging; and re-evacuating the sterilization chamber to remove the condensate layer and the uncondensed vapor mix before either the vapor mix or the condensate layer penetrates through the packaging to the objects at an inadmissible level. Frost (U.S. Publication No. 2002/0054826) discloses a method of operating a transport system comprising (paragraphs 30-31); pre-evacuating the sterilization chamber (paragraph 32); applying abruptly a vapor mix consisting of water steam and hydrogen peroxide steam as a condensate layer onto the outer side of an object (paragraphs 21-22 and 33); and re-evacuating the sterilization chamber to remove the condensate layer and the uncondensed vapor mix before either the vapor mix or the condensate layer penetrates through the objects at an inadmissible level (paragraph 33) in order to provide an expedient process for the sterilization of the object.

However, neither the Applicant's Admitted Prior Art nor Frost alone or in combination disclose the step of; pre-evacuating the sterilization chamber at a speed, wherein the speed is adapted to the flow resistance of the gas-permeable packaging to ensure a gas pressure within the packaging remains above a pressure in the

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sterilization chamber during the pre-evacuation in conjunction with the numerous other process steps as set forth in independent claim 1.

As such, the closest prior art of record does not teach, suggest or disclose a process for operating a packaging transport system comprising sterilizing said objects and placing the objects packed in layer of gas permeable packaging into a sterilization chamber to sterilize the package by abruptly applying a vapor as a condensate layer to the outside of the packaging as set forth in independent claim 1; wherein the process further comprises pre-evacuating the sterilization chamber at a speed, wherein the speed is adapted to the flow resistance of the gas permeable packaging to ensure a gas pressure within the packaging remains above a pressure in the sterilization chamber during pre-evacuation.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KEVIN C. JOYNER whose telephone number is (571)272-2709. The examiner can normally be reached on M-F 8:00-4:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill Warden can be reached on (571) 272-1267. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KCJ

/Sean E Conley/
Primary Examiner, Art Unit 1797